

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUSTIN VEGA,

Plaintiff,

-against-

SHERIFF MICHAEL SPOSATO,
CORPORAL HOLT, CEO #2550 WARREN,

Defendants.
-----X

FEUERSTEIN, J.

ORDER

12-CV-5096 (SJF) (AKT)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

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LONG ISLAND OFFICE

October 10, 2012, *pro se* plaintiff Justin Vega ("plaintiff") commenced this action against Sheriff Michael Sposato, Corporal Holt, and CEO #2550 Warren, alleging civil rights violations pursuant to 42 U.S.C. § 1983. [Docket Entry No. 1].

Presently before the Court is the Report and Recommendation (the "Report") of Magistrate Judge A. Kathleen Tomlinson, dated October 21, 2013, recommending that this case be dismissed for plaintiff's failure to prosecute. [Docket Entry No. 30]. No objections to the Report have been filed. For the following reasons, the Court accepts Magistrate Judge Tomlinson's Report in its entirety.

I. Standard of Review

Any portion of a report and recommendation on dispositive matters to which a timely objection has been made is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a

magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

II. Discussion

Neither party has filed any objections to Magistrate Judge Tomlinson's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Tomlinson's Report and Recommendation in its entirety. This case is dismissed with prejudice for plaintiff's failure to prosecute, *see* Fed. R. Civ. P. 41(b), and the Clerk of Court is directed to close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the *pro se* plaintiff, and shall record such service on the docket.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: November 22, 2013
Central Islip, New York